Supreme Court, U.S.
FILED
AUG 28 1992
OFFICE OF THE CLERK

92-5129

NO. 5129

IN THE
SUPREME COURT OF THE UNITED STATES

October Term, 1992

JOHN L. SULLIVAN,
Petitioner

vs.

STATE OF LOUISIANA,
Respondent

On Petition for a Writ of Certiorari
to the
Supreme Court of the State of Louisiana

AMICUS CURIAE IN SUPPORT OF PETITIONER

James E. Boren
343 Third Street
Suite 400
Baton Rouge, LA 70801
Telephone: (504) 387-5786

Attorney for the National
Association of Criminal
Defense Lawyers
(Amicus Curiae)

NO. 5129

IN THE
SUPREME COURT OF THE UNITED STATES

October Term, 1992

JOHN L. SULLIVAN,
Petitioner

vs.

STATE OF LOUISIANA,
Respondent

On Petition for a Writ of Certiorari
to the
Supreme Court of the State of Louisiana

AMICUS CURIAE IN SUPPORT OF PETITIONER

James E. Boren
343 Third Street
Suite 400
Baton Rouge, LA 70801
Telephone: (504) 387-5786

Attorney for the National
Association of Criminal
Defense Lawyers
(Amicus Curiae)

INTEREST OF THE AMICUS CURIAE

The National Association of Criminal Defense Lawyers (NACDL), is a non-profit membership organization made up of over 22,000 affiliated attorneys throughout the nation who are concerned about the criminal justice system and the citizens who come before the Courts of this country. The NACDL received written consent from both the petitioner, John L. Sullivan, and the respondent, the State of Louisiana, to file this brief in support of petitioner. (See Appendix A).

ARGUMENT

The Louisiana Supreme Court's Application of a harmless error test to a constitutionally deficient reasonable doubt instruction disregards this Court's rulings on fundamental error, violates petitioner's Sixth Amendment right to a jury trial and conflicts with decisions by lower Federal Courts and State Courts.

The NACDL's concern with the instant petition is that the Louisiana Supreme Court's use of a harmless error test with a constitutionally deficient reasonable doubt instruction effectively eviscerates John L. Sullivan's constitutional right to a trial by jury.

CONCLUSION

The NACDL respectfully expresses its support for the petitioner and his cause and requests this Honorable Court grant John L. Sullivan's Petition for a Writ of Certiorari to the Supreme Court of the State of Louisiana.

RESPECTFULLY SUBMITTED:

JAMES E. BOREN
343 Third Street
Suite 400
Baton Rouge, LA 70801
Telephone: (504) 387-5786

Attorney for the National Association of Criminal Defense Lawyers (Amicus Curiae)

APPENDIX A

CONSENT FORM

On behalf of John L. Sullivan, petitioner in the John L. Sullivan v. State of Louisiana, No. 92-5129 case, I consent to permitting the National Association of Criminal Defense Lawyers to file an amicus curiae brief in support of our petition for a writ of certiorari.

Minneapolis, Minnesota, this 24th day of August, 1992.

WILLIAM J. KEPPEL

CONSENT FORM

On behalf of the State of Louisiana, respondent in the case of John L. Sullivan v. State of Louisiana, No. 92-5129, I consent to permitting the National Association of Criminal Defense Attorneys to file an amicus curiae brief in support of John L. Sullivan's petition for a writ of certiorari.

New Orleans, Louisiana, this 21st day of August, 1992.

JACK PEEBLES
CHIEF OF APPEALS
ORLEANS DISTRICT ATTORNEY'S OFFICE